

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

FERNANDO MOORE,  
Plaintiff,

No. CV 06-770-PK

ORDER ADOPTING MAGISTRATE JUDGE'S  
FINDINGS & RECOMMENDATION

v.

OREGON INSTITUTE OF TECHNOLOGY  
and KLAMATH FALLS POLICE DEPARTMENT  
Defendants.

**MOSMAN, J.,**

On February 8, 2007, Magistrate Judge Papak issued Findings and Recommendation ("F&R") (#18) in the above-captioned case recommending that defendants' motions to dismiss (#s 7, 14) be granted. No objections have been filed.

In conducting my review of the F&R, I apply the following standard. The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is

made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, the court is free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

After reviewing the F&R and other relevant materials, the F&R is ADOPTED without modification. Accordingly, defendants' motions to dismiss are GRANTED and this case is DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 1st day of March, 2007.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Court